



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

THE TRIAL OF CAMORRA IN ITALY

Five assistant constables at salaries of \$1200 each act as court clerks to the respective justices of the people's court. Five additional assistants receiving \$1000 each as court bailiffs and the remaining eleven assistants at the same salary, serve the processes of the court.

"If the arrangement above outlined proves satisfactory, it is believed that it will not be difficult to secure an amendment to the state constitution abolishing the magistrate and constable systems, and permitting the establishment of an effective municipal court. In any event, the new court cannot fail to be a decided improvement over the obsolete system which it succeeds."

HORACE E. FLACK in *National Municipal Review*, July, 1912.

The Trial of Camorra in Italy.—The Camorra of Naples is a phenomenon of habitual and associated criminality, very interesting to students of criminal science. I say very interesting for I speak in a foreign review, but in regard to my own country I ought to say grave, sorrowfully grave. In Italy there are as it were two Italies. South Italy presents the problem of a notable inequality in the production of wealth, a great poverty and, therefore a lesser degree of civilization. This inequality of structure in its component parts is doubtless a cause of weakness in the life of the state: it is like an organism which has not all parts sound and so the harmonic coexistence of the whole is thereby injured. However, that has occurred and occurs not only in Italy. Ireland, for instance, in regard to Great Britain is very nearly in the same conditions as the south to the rest of Italy, except, of course, the question of religions, dualism and home rule.

Habitual and associated criminality has found favorable ground in Naples, especially from climatic and historical causes. Even abroad people know that the climate of South Italy is enchanting and tends to idleness and the "dolce far niente." This is wrongly considered as a constant characteristic of such a country, whilst, on the contrary, little by little it is rousing itself from its lethargic sleep and, it is to be hoped, getting the dominion over its impulses and a steadiness in working, by which only a man or a people can become strong. The Neapolitan character is personified in the "Pulcinella," about which Goethe said (*Italienische Reise*, Neapel, zum 19 März): "ein wahrhaft gelassener, ruhiger, bis auf einem gewissen grad gleichgültiger, beinahe fauler und doch humoristischer Knecht" (a really placid and peaceable boy, up to a certain point indifferent, very nearly lazy and yet humorous).

The climate indeed nourishes and maintains slothfulness and hence the need of having recourse to the crime in order to get the comfort of life, that cannot be got from honest work. But this argument of climate is to be taken, as they say, *cum grano salis*. Even under different climates a similar criminality is possible. I may cite one example only, the Black Hand in America. The Black Hand is a form of habitual and associated criminality that displays its baneful activity in an environment, where, on the contrary, there is a life of honest and fruitful activity. However, it is also to be considered that a similar kind of criminality shows itself under different climatic conditions, and this does not deny that climate can be an important factor in it. Also in the common life a similar effect can result from different causes: one man gets a nervous disease by too much work, another by doing nothing.

THE TRIAL OF CAMORRA IN ITALY

The most favorable ground, however, for the Camorra has been prepared by the historical environment. When the countries of upper Italy were prospering as free people or under the dominion, not always tyrannical, of native sovereigns, Naples and Sicily remained under the yoke of foreign conquerors, who extorted as much as they could and as rapidly as possible from the conquered people. "When the government postal authorities," writes Lombroso (*Incremento del delitto*, p. 14), "robbed the correspondence, when the police arrested honest patriots, and negotiating with thieves, allowed liberty to every kind of excess in brothels and prisons, it necessarily contributed to protect the Camorrist as being the man who was able to send a packet with security, to save a person from being stabbed in his cell, or to ransom for a good price a stolen thing, or to give decisions on little disputed questions, perhaps just and certainly less costly and delayed than the decisions, which the tribunals were able to give." These considerations may explain the rise of the Camorra of Naples, but cannot constitute a principle of universal value. We have in history also examples of bandits, who have made themselves administrators of justice in a country where it was badly administered by the public authorities. In Lardinia I have been told the story of a famous criminal, whom the judges were powerless to condemn, because his good actions surpassed his bad.

I believe associated criminality is a phenomenon that will exist as long as criminality, because it is as old as criminality. It has its root in the corporate tendencies of man, *who is inclined to unite himself with his fellows who may have the same aspirations*. The physicians are associated, the lawyers are associated, the workmen are associated in order to attain better their ends, and so the criminals also are associated. This is the natural universal explanation of the phenomenon: only the causes change, that more or less favor it.

At Viterbo (a little and quiet town of Latium) a trial is actually taking place, which has attracted the attention of all the world to the Neapolitan Camorra. The facts are as follows: On the evening of the 5th day of June, 1906, Gennaro Cuocolo and his wife were assassinated at the same time, the former near Naples, the latter in Naples. Cuocolo was *basista*. In the language of Camorra *basista* is one who plans a theft, introducing himself into a comfortable home with the appearance of an honest man and thus getting the confidence of the proprietors: in short he is the Camorrist, who gives to the men who actually commit the crime the *basis* (hence *basista*) for the theft. Cuocolo was condemned by the tribunal of the Camorra for *infamita* (infamy), namely for having denounced to the police some people who were affiliated with the Camorra. His wife was also killed, because she knew all her husband's secrets and thus it was considered necessary to get her also out of the way.

The Cuocolo trial began before the Corte d'Assise (like the French "Cour d' assise" and the German "Schwurgericht," it is a court in which the trial is conducted before a jury) of Viterbo, the 11th day of March, 1911, and it also maintains the fame of legal delay in Italy, because it is not yet near the end. Four days were spent in constituting the jury in this trial. A month was spent in hearing the individuals (of whom thirty-seven are accused of association in order to commit criminal trespasses), amongst whom there is a representative of the clergy, and after their long examinations they were again confronted with their accuser, Abbatemaggio (another Camorrist), as had been already done in the first inquiry.

DUTIES OF PROBATION OFFICER IN RHODE ISLAND

An interesting juridical question has been started in the trial of the Camorra relating to "preventive detention." As the trial is so delayed, it has occurred that none of those accused of association in order to commit criminal trespasses, have passed in preventive detention the maximum time of punishment which the judge may inflict, before the trial has finished. Indeed sect. 248 of Italian Penal Code decrees for the crime of association in order to commit offences (*associazione per delinquere*), without aggravating circumstances, the punishment of imprisonment ("reclusione") from one to five years. The question was started in the sitting of the 14th day of last February by the prosecuting attorney ("Pubblico Ministero") Cav. Saptorio, who maintained that there was no legal cause for the continued imprisonment of some of the accused. "It is certain," remarked the prosecuting attorney, "that when the legal cause has ceased, the preventive imprisonment of an individual, not yet declared guilty by a sentence of condemnation, is no longer legal and becomes illegal." Our Code of Criminal Procedure actually in force does not contemplate this case. It is, on the contrary, expressly foreseen by the Draft Criminal Procedure Code of On. Finocchiaro Aprile, actual minister of justice, which will perhaps become positive law within this year. Thus it is our misfortune, because it is a hasty legislative work, which does not remedy at all the lamented inconveniences of our procedure. Sect. 378 of Draft Criminal Procedure Code of 1911 (an amelioration of Draft 1905) provides indeed: "On any case, the accused has to be set free without any obligation, whenever he has expiated the maximum of punishment established by the law for the offense for which he is being tried." However, although the case is not expressly foreseen in the code in force, the President of the court uttered an ordinance, by which, accepting the point raised by the prosecuting attorney and defence, he set free some of the accused. And really this solution was very just.

Will the jury of Viterbo be mild or severe against the representatives of the Camorra? We don't know. It is certain that the repression of Camorra will be attained by moral and civil education more than by the verdict at Viterbo, because the former makes every one feel the superiority of a living gained from honest work over a living gained from the profits of crime. A good service of police is also an important means of repression. However, one has to bear in mind that no degree of civilization can as yet suppress criminal associations.

GIULIO Q. BATTAGLINI, Professor of Criminal Law and Procedure in the Royal University of Sassari, Italy, Associate Editor of "*La Giustizia Penale*."

An Act Relating to the Duties of the Probation Officer in Rhode Island.
It is enacted by the General Assembly as follows:

SECTION 1. Chapter 352 of the General Laws, entitled "Of the state probation officer and his custody of females," is hereby amended by adding thereto the following sections, viz.:

"SEC. 4. Whenever it shall come to the knowledge of the state probation officer that the family of the prisoner serving sentence for non-support is in destitute circumstances he may, with the approval of the board of state charities and corrections, contribute to the support of such destitute family during the duration of such sentence.